

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5623 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MADHUBHAI K SOLANKI

Versus

GOVT. OF GUJARAT & ORS.

Appearance:

None present for Petitioner

MR NN PANDYA for Respondent No. 1 & 2

None present for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/07/96

ORAL JUDGMENT

Heard Shri N.N. Pandya, counsel for the respondents No.1 and 2. The petitioner prayed in this Special Civil Application that the action of the respondents No.1 and 2 and/or its agents or servants from preventing the petitioner from doing his business at the specified lorry stand, be quashed and set aside. Prayer

has also been made for grant of interim relief pending admission, hearing and final disposal of this Special Civil Application. By issuing an injunction, the respondents No.1 and 2 and/or their agents or servants were restrained from interfering with the petitioner's business in any manner, at the specified lorry stand.

2. In this Special Civil Application, reply to the same has not been filed by any of the respondents and as such, the averments made by the petitioner therein stand uncontroverted. While issuing notice in this case, interim relief in terms of para 11(c) has been granted by this Court, meaning thereby, the respondents have been restrained from preventing the petitioner from doing his business at the specified lorry stand. This interim relief granted by this Court still continues and the petitioner is carrying on his business at the specified lorry stand in question.

3. When the said order of interim relief continues for all these 14 years, interest of justice will be served in case this Special Civil Application is disposed of with the directions to the respondents that in case they intend to prevent the petitioner from carrying on his business at the specified lorry stand, then the petitioner be given a notice and an opportunity of hearing and only thereafter, appropriate order may be passed. With these observations, this Special Civil Application is disposed of and the Rule is made absolute in aforesaid terms with no order as to costs.

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(sunil)